

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Candy Argot,

Plaintiff,

v.

Dr. Oliver Harden; Dana Smith; Columbia  
Regional Care Center, a prison hospital  
owned by Geo Care, Inc.; Chief Bruce  
McCleave; Steve Adwell; Major Cummings;  
Captain Alton Richardson; Officer Peterson;  
Ofc. Whitaker; Erica Brown, Nurse; Sgt.  
Carlos Glenn; Ofc. Whitman; Ofc. Adam  
Creewell; Catherine Adumoah, Nurse; Kya  
Davis, Nurse,

Defendants.

Civil Action No. 4:11-cv-2755-RMG

**ORDER**

This matter comes before the Court on the Report and Recommendation (R & R) of the Magistrate Judge (Dkt. No. 123) that Defendant's Motion for Summary Judgment (Dkt. No. 113) be granted. For the reasons stated below, the Court ADOPTS the R & R as the order of this Court. Accordingly, Defendant's Motion for Summary Judgment is GRANTED.

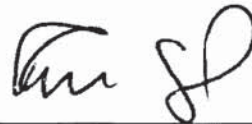
Plaintiff was a prisoner in the custody of the Georgia Department of Corrections and housed at the Columbia Regional Care Center (CRCC) in Columbia, South Carolina. Plaintiff filed this action under 42 U.S.C. § 1983, alleging various constitutional violations. The Court previously granted summary judgment in favor of the Defendants on Plaintiff's claims of medical indifference, forced medication, negligence, and medical malpractice. (Dkt. No. 109.) The Court denied summary judgment without prejudice as to Plaintiff's claim alleging deliberate indifference to the risk of harm posed by other CRCC patients as Defendants failed to address

these allegations in their motion. (*Id.*) Defendant filed a subsequent motion for summary judgment on this claim (Dkt. No. 113), to which Plaintiff responded (Dkt. No. 117.) The Magistrate Judge recommended summary judgment be granted on this claim (Dkt. No. 123), and Plaintiff has not filed an objection to the Magistrate Judge's R & R.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Matthews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a *de novo* determination of those portions of the R & R to which specific objection is made. Here, however, because no objection has been made, this Court "must 'only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee note). Moreover, in the absence of specific objections to the R & R, the Court need not give any explanation for adopting the Magistrate Judge's analysis and recommendation. *See Camby v. Davis*, 718 F.2d 198, 200 (4th Cir. 1983).

The Court concludes that the Magistrate Judge correctly applied the relevant law and agrees that Plaintiff has failed to create a genuine issue of fact for trial as to whether Defendants were deliberately indifferent to Plaintiff's risk of harm. The Court, therefore, ADOPTS the Magistrate Judge's R & R (Dkt. No. 123) as the order of this Court. Accordingly, Defendant's Motion for Summary Judgment (Dkt. No. 113) is GRANTED.

**AND IT IS SO ORDERED.**



Richard Mark Gergel  
United States District Court Judge

November 22, 2013  
Charleston, South Carolina